

releasing said retention mechanism to permit said spring quality to bias and thereby move said retraction mechanism toward said net end of said handle.

Claims 1-19 are pending and rejected. Claims 1, 14 and 19 are amended hereby. An incorrectly numbered claim 16 is renumbered as claim 20.

Responsive to the rejection of claims 14-18 under 35 U.S.C. § 112, second paragraph, Applicants have amended claim 14 such that claim 14 is definite and distinctly claims the subject matter of the invention. Applicants submit that claims 14-18 are now in allowable form.

Responsive to the rejection of claims 1, 2 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,124,952 (Norris et al.), Applicants have amended claim 1, and submit that claims 1, 2 and 9 are now in condition for allowance.

Norris et al. disclose a fishing net (Figs. 1, 2 and 4) which includes a collapsible frame, which when the net is not in use, may be collapsed and contained along with the net in a relatively small combination case and handle (page 1, column 1, lines 7-11). Hollow metallic case 1 also serves as a handle for the device. Case 1 is of the same depth throughout its length but increases in width toward one end to form a flaring portion 2. A net supporting frame 3 is formed from a flexible metal band, and the ends thereof are brought relatively close together in parallel to each other within case 1 at position 4. These adjacent ends are rigidly secured to a supporting member 5 which is slidable and guided within case 1 by a pin 6 which is secured to member 5 and projects through a longitudinal slot 7 in case 1 to a termination in an enlarged thumb plate 8 exterior of case 1. A cord net 9 is suspended from frame 3 and is secured thereto by a resilient wire 10 (page 1, column 1, line 42,-column 2, line 6). When net 9 is not in use, collapsed frame 3 as well as cord net 9 are contained within case 1. When it is desired to use net 9, thumb plate 8 is pushed out toward flaring end 2, and, as resilient frame 3 is projected from the open end of case 1, it will begin to expand and assume an open position (page 1, column 2, lines 19-30). Flaring end 2 prevents undue bending of the outer end of frame 3 when frame 3 is collapsed and drawn into case 1. Flaring portion 2 also facilitates projection of frame 3 therefrom. To collapse frame 3 and draw it into case 1, thumb plate 8 is moved toward the clip end of case 1. When substantially all

of frame 3 has been drawn into case 1, net 9 is then folded between the remaining portion of frame 3, and both frame 3 and net 9 are completely drawn into case 1 (page 1, column 2, lines 38-52).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism external to said handle, ... said net support band being exterior to said handle...

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Norris et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Norris et al. disclose a fishing net including a collapsible frame, which when the net is not in use, may be collapsed and contained along with the net in a relatively hollow metallic case 1 that also serves as a handle for the device. However, Norris et al. alone or in combination with any other cited prior art, fail to disclose, teach or suggest a flexible net support band mounted to a retraction mechanism external to a handle, the net support band being exterior to the handle, as is recited in amended claim 1.

An advantage of Applicants' invention is that the entire working mechanism is visible so as to allow the mechanism to be easily maintained. A further advantage is that the user is able to see the entire mechanism work as it extends or retracts. Accordingly, Applicants submit that claim 1, and claims 2 and 9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1-4, 9, 10 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,619,755 (Henson), Applicants have amended claims 1 and 19, and submit that claims 1-4, 9, 10 and 19 are now in condition for allowance.

Henson discloses a collapsible landing net (Figs. 2-5) including handle 1 having a slidable tubular guide member 4 with a closed end 5 directed toward open end *a* of the handle. Within tubular guide member 4 there is a coil spring 6, one end of which bears against closed end 5. The outer end of pin 8 has a pivot pin 9 laterally positioned therethrough for pivotally engaging then ends of a pair of spring metal straps 10 which form a hoop 11. The outer ends of straps 10 are pivotally joined by another pivot pin 12 (column 2, lines 1-16).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism external to said handle, ... said net support band being exterior to said handle...

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Henson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Henson discloses a collapsible landing net including handle 1 having a slidable tubular guide member 4 with a closed end 5 directed toward open end *a* of the handle. However, Henson alone or in combination with any other cited prior art, fails to disclose, teach or suggest a flexible net support band mounted to a retraction mechanism external to a handle, the net support band being exterior to the handle, as is recited in amended claim 1.

An advantage of Applicants' invention is that the entire working mechanism is visible so as to allow the mechanism to be easily maintained. A further advantage is that the user is able to see the entire mechanism work as it extends or retracts. Accordingly, Applicants submit that claim 1, and claims 2-4, 9 and 10 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast claim 19, as amended, recites in part:

providing a flexible net support band having a first band end and a second band end, ... each being mounted to said retraction mechanism external to said handle.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Henson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Henson discloses a collapsible landing net including handle 1 having a slidable tubular guide member 4 with a closed end 5 directed toward open end *a* of the handle. However, Henson alone or in combination with any other cited prior art, fails to disclose, teach or suggest providing a flexible net support band having a first band end and a second band end, each being mounted to a retraction mechanism external to a handle, as is recited in amended claim 19.

An advantage of Applicants' invention is that the entire working mechanism is visible so as to allow the mechanism to be easily maintained. A further advantage is that the user is able to see the entire mechanism work as it extends or retracts. Accordingly, Applicants submit that claim 19 is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 5-8 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,574,513 (Wearing) in view of U.S. Patent No. 2,115,082 (Phillips), Applicants have amended claims 1 and 14, and submits that claims 1, 5-8 and 14-18 are now in condition for allowance.

Wearing discloses a collapsible net assembly 10 (Figs. 1-6) including a handle 3, a slide member 20, a T-member 30, a pair of arms 40, a latch device 50, a net support 45 and a net 5. Slide member 20 slidably engages handle 3. Affixed to the end of handle 3 is T-member 30, which includes a central aperture 34 that tightly engages the end of handle 3 and a cross member

35 that defines a pair of sleeves 38. The interior surface of sleeves 38 slidably engage arms 40. Arms 40 are connected to and pivoted upon a slide member 20, by pins 29 and each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Net support device 45 supports the strands of net 5 (column 2, line 33 through column 3, line 31).

Phillips discloses a net (Figs. 1-6) including a tube 10 with a flared ferrule 14 at one end thereof. Bolts 16 serve to journal rollers 18, which provide a rolling support for a flat spring metal strip 20 having its end secured in a plug 22, which is slidably carried in the bore of tube 10. Spring strip 20 serves as the frame for a net 26 (page 1, column 2, lines 34-47).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism external to said handle, ... said net support band being exterior to said handle...

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Wearing, Phillips or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Wearing discloses a collapsible net assembly 10 including a handle 3 and arms 40, which are connected to and pivoted upon a slide member 20, each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Phillips discloses a net including bolts 16 that also serve as journal rollers 18, which provide a rolling support for a flat spring metal strip 20 having its end secured in a plug 22, which is slidably carried in the bore of tube 10. However, Wearing and Phillips, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest providing a flexible net support band having a first band end and a second band end, each being mounted to a retraction mechanism external to a handle, as is recited in amended claim 1.

An advantage of Applicants' invention is that the entire working mechanism is visible so as to allow the mechanism to be easily maintained. A further advantage is that the user is able to see the entire mechanism work as it extends or retracts. Accordingly, Applicants submit that claim 1 and claims 5-8 depending therefrom are now in condition for allowance, which is hereby respectfully requested.

In further contrast claim 14, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism external to said handle.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Wearing, Phillips or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Wearing discloses a collapsible net assembly 10 including a handle 3 and arms 40, which are connected to and pivoted upon a slide member 20, each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Phillips discloses a net including bolts 16 that also serve as journal rollers 18, which provide a rolling support for a flat spring metal strip 20 having its end secured in a plug 22, which is slidingly carried in the bore of tube 10. However, Wearing and Phillips, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest providing a flexible net support band having a first band end and a second band end, each being mounted to a retraction mechanism external to a handle, as is recited in amended claim 14.

An advantage of Applicants' invention is that the entire working mechanism is visible so as to allow the mechanism to be easily maintained. A further advantage is that the user is able to see the entire mechanism work as it extends or retracts. Accordingly, Applicants submit that

claim 14 and claims 15-18 depending therefrom are now in condition for allowance, which is hereby respectfully requested.

Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Henson. However, claims 11-13 depend from claim 1, which has been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 11-13 are now in condition for allowance, which is hereby respectfully requested.

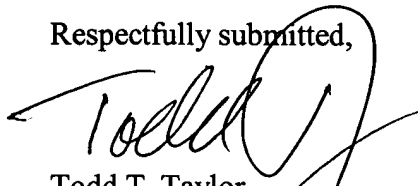
Applicants discovered that inadvertently two claims were identified as claim 16 in the application. Applicants have amended the second claim 16 to bear the number 20.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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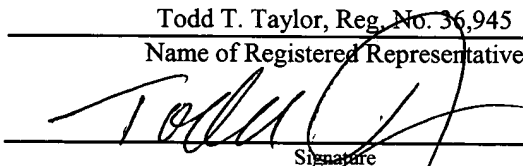
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Name of Registered Representative



Signature

November 20, 2002

Date



PATENT

Title: RETRACTABLE FISHING NET

Application Serial No.: 09/867,908

Group: 3643

Examiner: C. Rowan

ATTACHMENT A:
MARKED-UP COPY SHOWING AMENDMENTS

IN THE CLAIMS

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Please amend claims 1, 14, the second claim 16 and 19 as follows:

1. (Amended) A retractable fishing net, comprising:

a handle having a grip end and a net end;

a retraction mechanism slidably mounted on said handle, said retraction mechanism being movable between said grip end and said net end;

a flexible net support band having a first band end and a second band end, said first band end and said second band end each being mounted to said retraction mechanism external to said handle, said net support band thereby having a hoop shape, said net support band being mounted relative to said handle and said retraction mechanism in a manner so as to provide said net support band with a spring quality, said net support band being exterior to said handle, said spring quality of said net support band acting to bias said retraction mechanism toward said net end of said handle; and

a netting mounted on said net support band.

14. (Amended) A retractable fishing net, comprising:

a handle having a grip end and a net end, said net end having a T bar mounted rigidly thereto, said T bar being substantially orthogonal to said handle, said T bar having a first bar end and a second bar end, a first member extending from said first bar end, said first member defining a first receiver, [said] a second member extending from said second bar end, said second member

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defining a second receiver;

a retraction mechanism slidably mounted on said handle, said retraction mechanism being movable between said grip end and said net end;

a flexible net support band having a first band end and a second band end, said first band end extending beyond said first receiver and mounted to said retraction mechanism external to said handle, said second band end extending beyond said second receiver and mounted to said retraction mechanism, said net support band thereby having a hoop shape, said net support band biasing against each of said first member of said first receiver and said second member of said second receiver; and

a netting mounted on said net support band.

(Amended) [16.] 20. The retractable net of claim 14, wherein retraction mechanism includes a first mounting mechanism and a second mounting mechanism, said first band end being pivotally mounted with respect to said first mounting mechanism, said second band end being pivotally mounted with respect to said second mounting mechanism.

19. (Amended) A method of deploying a retractable fishing net, comprising:

providing a handle having a grip end and a net end, said handle having a releasable retention mechanism located proximate said grip end;

providing a retraction mechanism slidably mounted on said handle, said retraction mechanism being movable between said grip end and said net end,

providing a flexible net support band having a first band end and a second band end, said first band end and said second band end each being mounted to said retraction mechanism

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external to said handle, said net support band thereby having a hoop shape, said net support band being mounted relative to said handle and said retraction mechanism in a manner so as to provide said net support band with a spring quality, said spring quality of said net support band acting to bias said retraction mechanism toward said net end of said handle;

providing a netting upon said net support band;

retaining said retraction mechanism in a position proximate said grip end using said retention mechanism; and

releasing said retention mechanism to permit said spring quality to bias and thereby move said retraction mechanism toward said net end of said handle.